

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-20 are present in this application.

Claims 19 and 20 are rejected under 35 U.S.C. § 101. Claims 1, 10 and 19 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4, 10-13 and 19 are rejected under 35 U.S.C. § 102(b) over U.S. Patent 2005/0027984 (Saito et al.). Claims 5-9, 14-18 and 20 are rejected under 35 U.S.C. § 103(a) over Saito et al. in view of U.S. Patent No. 2003/0197488 (Hulvey).

Claims 1, 10 and 19 were also objected to regarding “the transmitted packet.” These claims are amended to address the objection, as well as to eliminate the alternative language for which the claims are rejected under §112, second paragraph. Withdrawal of the objection and §112, second paragraph, rejection of claims 1, 10 and 19 is respectfully requested.

Claims 2-4, 11-13 and 20 are amended to make minor formal changes.

Claim 19 is amended to recite a computer readable medium storing a program. The program, when executed, causes a computer to perform a method. Claims 19 and 20 are believed clearly define the statutory subject matter of a medium. Withdrawal of the § 101 rejection is respectfully requested.

In the transmitter of claim 1, the communication permission determination unit is configured to permit transmission of the contents for which copyright protection is necessary when the round trip time measured by the RTT measuring unit is within a predetermined time, and the parameter modification unit is configured to change parameters of the wireless network before and after the RTT measuring unit time performs the measurement of the round trip time. The transmitter according to claim 1 has the advantageous features of determining whether to permit transmission of the contents based upon the result of the RTT measurement, and changing the parameters of the wireless network before and after the RTT

measurement. The transmitter can more accurately measure RTT and avoid inaccurate measurements of RTT when operations such as sniff mode and master/slave exchange occur, as described in the non-limiting example on pages 10-14. Such a transmitter is neither disclosed nor suggested by recited prior art.

In Saito et al., FIG. 10 shows sending device with a network interface unit 11, a communication processing unit 12, a DTCP device ID recording unit 13, an ID managing unit 14, a DTCP authentication and key exchange processing unit 17, an encryption processing unit 18, a packet processing unit 19, and a content supplying unit 20. Also, FIG. 10 shows a short-distance wireless interface unit 41 for short-distance wireless action, a short-distance authentication and key exchange processing unit 42 configured to execute authentication and key exchange between the sending device 2a and the short-distance wireless device 4, a short-distance ID managing unit 43 configured to register the short-distance ID acquired by means of short-distance wireless communication, an ID registration processing unit 44 configured to control the registration of the short-distance ID to unit 43, a registration completed notification processing unit 45 configured to notify the user that the registration of a short-distance ID has been completed, and a power supply control unit 46 configured to supply a power supply voltage to the short-distance wireless interface unit 41 and peripheral units thereof only during registration of a short-distance ID (paragraph [0101]). In the receiving device shown in Fig. 11, a power supply control unit 56 is configured to operate (i.e., turn on the power to) the short-distance wireless interface unit 51 and peripheral units thereof only during registration of a short-distance ID (paragraph [0109]).

In the transmitter of claim 1, the parameter modification unit is configured to change parameters of the wireless network before and after the RTT measuring unit performs the measurement of the round trip time. In contrast, Saito et al. teaches turning on and off the

power to the wireless interface unit. The network parameters are not changed. Claim 1 is not disclosed or suggested by Saito et al.

Claim 10 recites a receiver with a parameter modification unit configured to change parameters of the wireless network before and after the RTT measuring unit performs the measurement. Evident from the above description of Saito et al., a receiver as recited in claim 10 is not disclosed or suggested by Saito et al.

Claim 19 recites a medium storing a program including changing parameters of the wireless network before and after the round trip time is measured. Referring to the above description of Saito et al., such a medium is not disclosed or suggested by Saito et al.

It is respectfully submitted that claims 1, 10 and 19 are patentable over Saito et al.

With regard to claims 5-9, 14-18 and 20, Hulvey discloses that time-out is determined by a time required until the slave response form the polling by the master. However, Hulvey does not disclose that a physical distance between the master and the slave is estimated based upon a result of the time-out determination or to determine whether to transmit the contents. When the RTT is measured in the sniff mode, the measured value of the RTT becomes larger than the true value, and therefore it is difficult to accurately measure the RTT. However, Hulvey has no suggestion or any recognition regarding such a problem. Furthermore, Hulvey does not disclose changing parameters of the wireless network before and after the RTT measurement and, in particular, a sniff interval, polling interval or transmission power. Accordingly, Hulvey does not cure the deficiencies of Saito et al.

The Office Action goes on to assert that the claims are obvious because controlling Bluetooth parameters “was recognized as part of the ordinary capabilities of one skilled in the art and because applying a known technique to a known system ready for improvement to yield predictable results within those capabilities.” First of all, neither reference discloses changing the parameters before and after an RTT measurement, such as including a

parameter modification unit as recited in claims 1 and 10 or including changing parameters of a wireless network recited in the medium of claim 19. Moreover, it is not “predictable” to result in improving the accuracy of measuring the RTT time based upon the disclosures of Saito et al. or Hulvey, since neither reference contains any technique or recognition of changing parameter values before and after an RTT measurement. The Office Action has not pointed to anything demonstrating that one skilled in the art would have known to apply such a technique to a wireless network as recited in the pending claims. Also, whether a system is “ready” for improvement still requires some evidence that the claimed transmitter, receiver and medium could be obtained. The Office Action has not provided a sufficient basis.

Accordingly, claims 5-9, 14-18 and 20 are not obvious over Saito et al. in view of Hulvey.

The claims of present application are patentable over Saito et al. in view of Hulvey.

It is respectfully submitted that the present application is in condition for allowance, and a favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Carl E. Schlier
Registration No. 34,426

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)